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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,169	04/19/2006	Shinya Ogasawara	9694-000043/US/NP	7255
53800 7590 06/18/2008 GREGORY A. STOBBS 5445 CORPORATE DRIVE SUITE 400 TROY, MI 48098				
EXAMINER CHEN, TIANJIE				
ART UNIT 2627		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/576,169

Applicant(s)

OGASAWARA ET AL.

Examiner

Tianjie Chen

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1, 3, 4, 6 and 7 is/are rejected.
- 7) ☒ Claim(s) 2 and 5 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

Non-Final Rejection

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 6, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Sasaki et al (US 5,978,339).

Claim 1, Sasaki et al shows a disk apparatus including:

a stationary frame having an opening 12 (Fig. 1) for inserting and ejecting a disk-shaped recording medium,

a disk guide 15 (Figs. 1, 2, and 7) which is rotatably provided in the proximity of the opening of the stationary frame, and which leads the disk-shaped recording medium 13 to the inserting operation and the ejecting operation, and

a floating unit 2 (mechanism body 2, column 2, lines 48-58) which it is a floating unit which is held in a floating state through elastic component in the stationary frame 11, and which has a function to perform a recording and/or reproducing operation on the disk-shaped recording medium.

Claim 6, Sasaki et al further shows a substantially arch-like protruded chin guard (the bottom of 12, Fig. 1) is provided at a position where the opening for inserting and ejecting the disk-shaped recording

medium is formed in the floating unit, and wherein, when the disk-shaped recording medium is placed at the recording/reproducing position, the disk guide contacts the chin guide (Fig. 2).

Claim 7, Sasaki et al further shows that the disk guide has a part which closes the opening for inserting and ejecting the disk-shaped recording medium and which has a recess therein.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minamimoto (JP 2000-090529A) in view of Liao et al (US 2003/0161253).

Claim 1, Minamimoto shows a disk apparatus including:

a stationary frame 1 having an opening 3 for inserting and ejecting a disk-shaped recording medium 39,

a disk guide 27+34 which is rotatably provided in the proximity of the opening of the stationary frame ([0019]), and which leads the disk-shaped recording medium to the inserting operation and the ejecting operation, and

a unit which has a function to perform a recording and/or reproducing operation on the disk-shaped recording medium and is supported on the stationary frame; but fails to show it is a floating unit which is held in a floating state through elastic component in the stationary frame.

Liao et al shows a disc apparatus in Fig. 1, wherein the unit 11 is a floating unit which is held in a floating state through elastic component 13a in an inherent stationary frame ([0010]).

Liao et al teaches that the elastic member 13a can absorb vibration; one of ordinary skill in the art would have set the supporting member in Minamimoto's device as an elastic member to absorb vibration.

In such constructed device, the unit it is a floating unit which is held in a floating state through elastic component in the stationary frame.

Claim 3, Minamimoto further shows that the floating unit includes a disk-carrying member having a roller arm 26 which rotates itself while pressing the disk-shaped recording medium onto the disk guide, so as to carry the disk-shaped recording medium to a desired position, and wherein, when the disk-carrying member has carried the disk-shaped recording medium to a recording/reproducing position, a part of the disk guide 27+34 is moved in a direction intersecting the locus of the motion of the disk-shaped recording medium to close at least a part of the opening for inserting and ejecting the disk-shaped recording medium by the disk guide.

Claim 4, Minamimoto shows that the stationary frame includes an upper frame and a lower frame, and wherein the disk guide 27+34 is so held in suspension from the reverse of the upper frame as to be rotatable a predetermined angle.

Allowable Subject Matter

4. Claims 2 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

- With regard to claim 2, as the closest reference of record, the combination of Minamimoto (JP 2000-090529A) and Liao et al (US 2003/0161253) shows a disk apparatus including: a stationary frame having an opening for inserting and ejecting a disk-shaped recording medium, a disk guide which is rotatably provided in the proximity of the opening of the stationary frame, and which leads the disk-shaped recording medium to the inserting operation and the ejecting operation, and a floating unit which is held in a floating state through elastic component in a stationary frame which has a function to perform a recording and/or reproducing operation on the disk-shaped recording medium;

the floating unit includes a disk-carrying member having a roller arm which rotates itself while pressing the disk-shaped recording medium onto the disk guide, so as to carry the disk-shaped recording medium to a desired position, and wherein, when the disk-carrying member has carried the disk-shaped recording medium to a recording/reproducing position, **but fails to show** that the roller arm is rotated or moved to close at least a part of the opening for inserting and ejecting the disk-shaped recording medium **by the disk guide**.

- With regard to claim 5, the combination of Minamimoto and Liao et al **fails to show** that the disk guide is foldable in two stages and is folded while the disk guide is leading the disk-shaped recording medium to the inserting operation and ejecting operation.
- Applicant asserts; "An object of the present invention is therefore to provide a highly reliable disk apparatus which is reduced in size, thickness and weight, and which also reliably prevents the double insertion of disks with a simple structure, and thus prevents any contact between each of the disks." (Specification, [0005]).

Conclusion

5. The prior art made of record in PTO-892 Form and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tianjie Chen whose telephone number is 571-272-7570. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tianjie Chen/
Primary Examiner, Art Unit 2627